

ASSEMBLY BILL

No. 48

Introduced by Assembly Member John A. Pérez

December 6, 2010

An act to amend Sections 44661 and 44662 of the Education Code, relating to school personnel.

LEGISLATIVE COUNSEL'S DIGEST

AB 48, as introduced, John A. Pérez. School personnel: evaluation and assessment.

Existing law states the intent of the Legislature that school governing boards establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each district. Existing law provides that in the development and adoption of guidelines and procedures for evaluation and assessment, that the governing board shall avail itself of the advice of the certificated instructional personnel in the district's organization of certificated personnel, as specified.

This bill would instead specify that the procedures to be used for evaluation of certificated employees shall be subject to specified provisions of law regarding the scope of representation by the exclusive representative of certificated employees and that the school governing board shall consult with the exclusive representative of certificated employees with respect to all other matters related to the evaluation of certificated employees.

Existing law requires the governing board of each school district to evaluate and assess certificated employee performance as it reasonably relates to several elements including the progress of pupils toward established standards and the state adopted academic content standards, as specified.

This bill would also include the progress of pupils towards other specified academic content standards.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44661 of the Education Code is amended
2 to read:

3 44661. ~~In the development and adoption of guidelines and~~
4 ~~procedures pursuant to this article, the governing board shall avail~~
5 ~~itself of the advice of the certificated instructional personnel in the~~
6 ~~district's organization of certificated personnel; provided, however,~~
7 ~~that the development and adoption of guidelines pursuant to this~~
8 ~~article shall also be subject to the provisions of Article 1~~
9 ~~(commencing with Section 7100) of Chapter 2 of Part 5 of Division~~
10 ~~1 of Title 1. The procedures to be used for the evaluation of~~
11 ~~certificated employees pursuant to this article shall be subject to~~
12 ~~subdivision (a) of Section 3543.2 of the Government Code. The~~
13 ~~governing board shall consult with the exclusive representative of~~
14 ~~certificated employees with respect to all other matters related to~~
15 ~~the evaluation of certificated employees pursuant to this article.~~

16 SEC. 2. Section 44662 of the Education Code is amended to
17 read:

18 44662. (a) The governing board of each school district shall
19 establish standards of expected pupil achievement at each grade
20 level in each area of study.

21 (b) The governing board of each school district shall evaluate
22 and assess certificated employee performance as it reasonably
23 relates to:

24 (1) The progress of pupils toward the standards established
25 pursuant to subdivision (a) and, if applicable, the state adopted
26 academic content standards, *including the academic content*
27 *standards adopted pursuant to Section 60605.8*, as measured by
28 state adopted criterion referenced assessments.

29 (2) The instructional techniques and strategies used by the
30 employee.

31 (3) The employee's adherence to curricular objectives.

32 (4) The establishment and maintenance of a suitable learning
33 environment, within the scope of the employee's responsibilities.

1 (c) The governing board of each school district shall establish
2 and define job responsibilities for certificated noninstructional
3 personnel, including, but not limited to, supervisory and
4 administrative personnel, whose responsibilities cannot be
5 evaluated appropriately under the provisions of subdivision (b)
6 and shall evaluate and assess the performance of those
7 noninstructional certificated employees as it reasonably relates to
8 the fulfillment of those responsibilities.

9 (d) Results of an employee's participation in the Peer Assistance
10 and Review Program for Teachers established by Article 4.5
11 (commencing with Section 44500) shall be made available as part
12 of the evaluation conducted pursuant to this section.

13 (e) The evaluation and assessment of certificated employee
14 performance pursuant to this section shall not include the use of
15 publishers' norms established by standardized tests.

16 (f) Nothing in this section shall be construed as in any way
17 limiting the authority of school district governing boards to develop
18 and adopt additional evaluation and assessment guidelines or
19 criteria.